



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Arnold Schwarzenegger
Governor

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To All Interested Parties:

The Department of Toxic Substances Control (DTSC) will conduct a public workshop to solicit input on the development of draft regulations for:

Standardized Permit Application Procedures

The workshop will be held at the following time and place:

Date: June 15, 2005
Time: 10:00 AM – 12:00 PM
Location: Employment Development Department
722 Capitol Mall; Auditorium
Sacramento, California 95814

A DTSC representative will summarize the proposed regulatory action, discuss alternatives considered, and explain the rationale used to develop the proposal. After the short presentation, DTSC will solicit comments and suggestions from workshop attendees. Below is a brief background on the proposal:

Standardized Permit Application Procedures

Health and Safety Code (HSC) section 25201.6 established the standardized permit tier for certain activities at existing hazardous waste facilities, and DTSC developed regulations that established the application process. The eligible facilities received interim status to continue operating until the standardized permits could be processed. The original regulations dealt only with existing facilities and interim status. In a 2002 revision, DTSC inadvertently removed the language describing the permit application process. In addition, even the original regulatory language was no longer strictly applicable, because interim status was no longer available, and because a new, rather than only an existing, facility may now apply for a standardized permit. The application process needs updating and clarifying. To clarify regulations, DTSC is

proposing a new article -chapter 20, article 6.5 - to contain all sections specific to standardized permits. The following changes are being proposed: move existing title 22, chapter 20, article 6, sections 66270.67 and 66270.69, to sections 66270.69.1 and 66270.69.5, respectively. Add new section 66270.69.2. Move existing section 67800.1 and 67800.5 to sections 66270.69.3 and 66270.69.4, respectively. Make minor changes to reflect statutory amendments. Make the parallel changes in title 27, division 22 of the California Code of Regulations.

The proposed regulations clarify that a facility owner/operator that qualifies for a standardized permit may choose to use the simplified standardized permit application process. The guidance documents and forms that were used for the original standardized permit applications in 1994 will be updated. These documents incorporate all the requirements that are applicable to standardized permit facilities. The proposed regulations will apply to both new applicants and to existing standardized permit facilities when those facilities apply for a permit renewal.

The proposed regulations impact only the facility's permitting process with DTSC, and are procedural only. The regulations do not change the eligibility or operating requirements for the standardized permit facilities. The information and comments received from the workshop will be used to help develop the regulations that will be made available for the formal public comment period.

DTSC proposes to discuss the following issues in order to help develop this draft regulation for the Standardized Permit Application Procedures:

- (1) the format of the permit application;
- (2) the required information and facility operating requirements;
- (3) the reorganization of four (one new and three existing) standardized permit sections under a new article, chapter 20, article 6.5; and
- (4) any concerns regarding facility implications resulting from the proposed changes.

DTSC has prepared a "strawman" text that reflects our current approach to modifying existing regulations. The text is intended to be a concept for discussion and is not proposed language. All interested parties are encouraged to review the text and to provide comments. Additionally, DTSC has now established a listserver for activities associated with this proposed rulemaking. For information on how to subscribe to this listserver, please see the information at <http://www.calepa.ca.gov/Listservs/DTSC/> . Proposed language will be developed after DTSC has considered all the input received in the workshop

Proposed new language is bolded and underlined. The remainder of the text below is the existing California Code of Regulations, title 22 language, and is not being proposed for amendments at this time. For more information on the proposal for the Standardized Permit Application Procedures, please contact Jan Smith at (916) 324-0705 or via email at jsmith1@dtsc.ca.gov.

PROPOSED REGULATIONS FOR STANDARDIZED PERMIT APPLICATION PROCEDURES

Add article 6.5, titled Standardized Permits, to chapter 20 of title 22, division 4.5, of the California Code of Regulations.

Place the following sections into article 6: move existing title 22, chapter 20, article 6, sections 66270.67 and 66270.69, to sections 66270.69.1 and 66270.69.5, respectively. Add new section 66270.69.2. Move existing section 67800.1 and 67800.5 to sections 66270.69.3 and 66270.69.4, respectively. Make minor changes to reflect statutory amendments. Make the parallel changes in title 27, division 22 of the California Code of Regulations.

Article 6.5: Standardized Permits

Section 66270.69.1. Standardized Permit *(moved from existing section 66270.69, and minor amendments to reflect statutory updates, as noted)*

(a) Notwithstanding any other provisions of this division, offsite **or onsite** treatment or storage activities, other than those specified in paragraphs (1) through (3) of this section, that do not require a permit under the federal act may be eligible for a standardized permit pursuant to section 25201.6 of the Health and Safety Code, **including non-RCRA wastes surface impoundments for storage 30-days or less**. The following are not eligible for a standardized permit:

- (1) used oil recycling activities as defined in Health and Safety Code section 25250.1;
 - (2) recycling or reclamation of federally regulated solvents identified by EPA hazardous waste numbers F001, F002, F003, F004 and F005 pursuant to 40 CFR section 261.31.
 - (3) units that are not authorized to operate pursuant to Title 22, California Code of Regulations, Division 4.5, Chapter 14 or Chapter 15 that engage in incineration, thermal destruction or land disposal activities.
- (b) Each hazardous waste treatment or storage facility conducting activities pursuant to a standardized permit shall be designated as a Series A, Series B or Series C standardized permit facility as defined in Health and Safety Code section 25201.6.
- (c) A facility that performs activities that meet the criteria for more than one of the standardized permit series shall be classified as the highest of the applicable series.

Section 66270.69.2. Application for a Standardized Permit.) *(new section)*

(a) Any person who wishes to obtain a standardized permit, for activities that qualify for a standardized permit pursuant to Health and Safety Code section 25201.6 and section 66270.69.1 of this article, may submit an application package that provides all the applicable information

identified in the Standardized Permit Application Guidance and Forms available from the Department or on the Department's website at www.dtsc.ca.gov.

(b) If an applicant chooses not to use the Standardized Permit Application Guidance and Forms, he or she may, instead, submit to the Department an application package as specified for a full permit, pursuant to the applicable portions of chapters 14, 20 and 21 of title 22, division 4. Instead of the financial responsibility requirements of article 8 of chapter 14, the applicant may comply with the financial responsibility requirements of section 66270.69.4 of this article.

Section 66270.69.3. Requirements for Standardized Permit Facilities. *(moved from section 67800.1, and minor amendments to reflect statutory update and section number changes, as noted)*

(a) A facility with an existing permit issued pursuant to Health and Safety Code section 25200 may have its permit converted directly to a standardized permit, using the Class 1 permit modification procedures as specified in section 66270.42. In addition to all other applicable requirements, the owner or operator of a facility eligible for the standardized permit tier pursuant to section **66270.69.1** shall comply with all of the following:

- (1) Articles 1, 2, 3, 4, 5 and 7 of title 22, chapter 14. **In addition, article 6 for surface impoundments;** articles 9 and 10 for containers and tanks; and
- (2) section **66270.69.4** regarding financial responsibility compliance.

Section 66270.69..4. Financial Responsibility for Facilities Operating Under a Standardized Permit. *(moved from section 67800.5)*

Section 66270.69.5. Transportable Treatment Unit Standardized Permit *(moved from section 66270.67)*